

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

LANDSCAPE CONSULTANTS OF  
TEXAS, INC., and  
METROPOLITAN LANDSCAPE  
MANAGEMENT, INC.,

*Plaintiffs,*

v.

CITY OF HOUSTON, TEXAS, and  
MIDTOWN MANAGEMENT  
DISTRICT,

*Defendants.*

Civil Action No. 4:23-cv-03516

**PLAINTIFFS' RESPONSE TO  
NOTICE OF HOUSTON CITY COUNCIL DECISION**

On March 31, 2025, Defendant City of Houston filed a notice updating this Court and the parties of the outcome of the Houston City Council's consideration of proposed modifications to the City's Minority, Women, and Small Business Enterprise Program. Dkt. 99. At its meeting on March 26, 2025, the Houston City Council unanimously voted to delay consideration of the proposed changes for up to thirty days, with the opportunity for the Mayor's administration to bring the proposed changes back to the City Council for consideration sooner. *Id.*

The City Council's delay continues to deny Plaintiffs their day in court. *First*, the thirty-day delay is significantly longer than discussed at the parties' pretrial conference on March 11, 2025. At that conference, counsel for Houston represented

to the Court that the City Council's vote could only be delayed for a maximum of two weeks, until April 9, 2025.<sup>1</sup> The thirty-day delay means the proposed changes may next be considered at the City Council's April 30, 2025 meeting.

*Second*, it is unclear from Houston's notice whether the City Council will vote at the April 30 meeting or again postpone, and if so, for how long. *See* Dkt. 99.

*Third*, at the March 26 City Council meeting, multiple council members expressed their desire for continued community engagement before voting on the MWSBE ordinance. *See* Dkt. 99, Ex. C. As Houston's Office of Business Opportunity Director explained to the City Council's Economic Development Committee on March 19, 2025, it has already spent over a year engaging with stakeholders while conducting the disparity study—including forty-nine in person interviews, seven focus groups, 30,000 mailings, surveys, phone calls, and outreach to professional and trade organizations.<sup>2</sup> It is unclear from Houston's Notice how much more community engagement the City Council requires, or how long it will take to accomplish.

*Finally*, even if the City Council were to adopt the proposed amendments to the MWSBE ordinance, there will be no impact on Plaintiffs' constitutional and

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<sup>1</sup> *See* Houston Code art. I, § 2-2, rule 4 (“[A] council member may ‘tag’ [a motion] for a period of one week when such action will not render the subject matter moot.”).

<sup>2</sup> Cylethia Hoyrd, *City of Houston Disparity Study Recommendations* (Mar. 19, 2025), <https://www.houstontx.gov/council/committees/econdev/20250319/COH-Disparity-Study-Recommendations.pdf>.

statutory claims. *See* Dkt. 99, Ex. B. In the proposed amendments, the MWSBE program’s racial classifications—which Plaintiffs challenge in both their equal protection and section 1981 claims—remain unchanged. Dkt. 99, Ex. B; Dkt. 1 ¶¶ 47–64.

Due to the foregoing considerations, Plaintiffs believe that further delay is unwarranted and are prepared to move forward with trial.

DATED: April 9, 2025.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2025, I served this document via the Court's electronic filing system to Defendants' counsel of record as follows:

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